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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANDREA NYGARD,

Plaintiff,

vs.

MORGAN STANLEY LIFE INSURANCE
PLAN,

Defendant.

Case No. C 05-02707 (PVT)

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE

Plaintiff Andrea Nygard and Defendant Morgan Stanley Life Insurance Plan by and
through their counsel of record hereby stipulate and agree as follows:

WHEREAS the parties have agreed to settlement terms and are finalizing settlement
papers; and

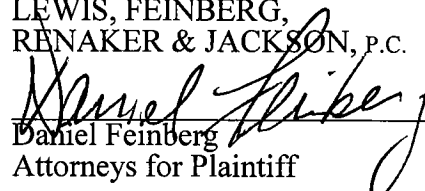
WHEREAS the Case Management Conference (CMC) is currently set for November 1,
2005 at 2:00 p.m.;

THEREFORE, the parties hereby request that the Court continue the CMC in order for
the parties to finalize the settlement papers and file a Stipulation of Dismissal.

Dated: October 27, 2005

By:

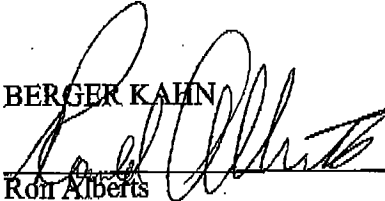
LEWIS, FEINBERG,
RENAKER & JACKSON, P.C.


Daniel Feinberg
Attorneys for Plaintiff

1 Dated: October 27, 2005

BERGER KAHN

2 By:


3 Ron Alberts
4 Attorneys for Defendant

5 The Court hereby orders that the Case Management Conference set for the November 1,
6 2005 is continued until 2:00 pm on December 13, 2005

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8 Dated: 10/28/05


9 U.S. District Court Magistrate Judge

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13 [S:\Cases\Nygard 05-13\Pleadings\CMC stipulation.wpd]